



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/706,281

11/13/2003

Carlos Gabriel Bianchim

023853-00030

5636

29569

7590

04/24/2008

FURR LAW FIRM
2622 DEBOLT ROAD
UTICA, OH 43080

EXAMINER

VO, TUYET THI

ART UNIT

PAPER NUMBER

2821

MAIL DATE

DELIVERY MODE

04/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/706,281	BIANCHIM, CARLOS GABRIEL	
	Examiner	Art Unit	
	TUYET VO	2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Drawings

1. The replacement sheets of drawing submitted September 11, 2007 remains unacceptable in that it still lacks the necessary details required to render the circuit comprehensible. The best reproducible replacement sheets still present unrecognizable electronic components. More importantly, the replacement sheets still fail to clearly elaborate on the electronic details being defined by the claims. For example, the drawings submitted remain vague as to the components constitute two EMI filters or a number of EMI filters. They also silent with respect to the components made up of the inverter power unit. Corrective drawings are required without adding new matter into the specification.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 3-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

Art Unit: 2821

one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Newly added claims 3-10 now define an invention that is neither supported by the original specification, drawings or claim. These additions constitute impermissible new matters. In the interest of expediting the prosecution of the application, the rejection against the claimed invention in view of Sun will only mirror the limitations originally supported by the specification, drawing and claim. Applicant is required to cancel matters beyond support of the originally filed specification, drawing and claim. Case in point as an example, neither the original specification drawing nor claim affords the electromagnetic interference filter to include two or a plurality of filters.

Likewise, it is not clear how the original specification expands to support the limitation of claim 10.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claims 2-10 are rejected for failing to define what applicant refers to as an invention. Predominately, the amended claim 2 now includes the following limitations that are vague and indefinite. The defects detailed below merely represent a sample of

the extensive problem with the claim. Thus, any correction attempt to alleviate the defects in the claims should expand beyond the sample as discussed.

1) Line 2, claim 2, the language referring to “any environment” is vague and indefinite. This boundary intended by this language is simply not clear.

2) The terms, “proprietary structure” and “internal and external environments”, in line 3, claim 2 are not clear. Proprietary structure encompasses such an endless possibility that without a clear specification, it is impossible to ascertain the scope as intended. Likewise, “internal and external environments” suffers from the same ambiguity.

3) The term, “the same connection voltage point” line 5, claim 2; “the electric energy”, line 8, claim 2; and “the noise reduction of the electromagnetic interference”, lines 8-9, claim 2 all lack proper antecedent basis. The shortage of these references renders the claim language as a whole incomprehensible.

4) In line 11, claim 2, following “control energy”, the claim language remains vague as to which part is primary responsible for “protection against complete absence of load”.

5) Claim 3 would appear to further limit claim 2 with “a power factor correction circuit”. This added limitation now interferes with the “power factor rectification” found in line 6 of claim 2 by suggesting two separate correction circuits in the ballast. A close scrutiny of the specification and drawing reveals that the system only bears one correction circuit. As such, including claim language to hint otherwise is unacceptably confusing.

6) The term, “ commercial circuit”, line 1, claim 7 is vague and indefinite.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Sun (US Pat. 5,574,335).

Sun discloses an electronic ballast for a fluorescent lamp (Fig. 2), comprising:

a complete electronic ballast for control and activation of the fluorescent lamp capable of operating from one to six lamps and in any environment, inherently arranged in a protective casing for internal and external environments, and which operates in distribution power from ninety to two hundred and fifty Volts (col. 4, lines 22-24) at the input of the same connection voltage point, and being formed by a power factor rectification (and control block (2), a half-bridge block (12) and an ignition pulse block (4), the power factor rectification and control block (2) having the power to rectify and accommodate the electric energy to unit power factor and, at its input, an electronic circuit for the noise reduction of the electromagnetic interference (L1, L4, C16, C17); the half-bridge block (12) receiving the conditioned energy from the power factor rectification (18) and control block (14) and making available high frequency energy

Art Unit: 2821

(square wave) converted to alternating wave of activation and control of energy, protection against complete absence of load, delivery of power to the output blocks for a determined period of time and checking of the presence or not of load (col. 4, lines 13-21); the ignition pulse block (10) being provided with a power supply for the activation via peak-to-peak pulses and a high voltage shock protection system (F1).

Remarks

Applicant's argument asserting that Sun (5574335) fails to teach many of the now claimed components has not been found persuasive. In most part of the argument, applicant adheres to the position that Sun fails to a different EMI bearing two or more filters and capacitors, a power factor correction circuit and PTC (Positive Thermal Coefficient). The argument has been found defective in that the original specification, drawings or claim can not possibility support these added new matter. In brief, the argument purporting to distinguish the claimed invention over Sun is moot lacking a clear teaching in the specification that would render the enablement of the claimed invention possible.

Correspondence

Art Unit: 2821

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyet Vo whose telephone number is 571 272 1830.

The examiner can normally be reached on Mon-Wed and Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Owens can be reached on 571 272 1662. The fax phone numbers for the organization where this application or proceeding is assigned are 571 273 8300 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571 272 2800.

Information regarding the status of an application or status information for publicizing/unpublicizing applications may be obtained from the Patent Application Information Retrieval (PAIR) system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the PAIR system, contact the Electronic Business Center (EBC) at toll free 866-217-9197.

/Tuyet Vo/

Primary Examiner, Art Unit 2821

April 23, 2008